

ESTTA Tracking number: **ESTTA771934**

Filing date: **09/21/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|--|
| Name | City Electrical Factors Limited |
| Granted to Date of previous extension | 09/21/2016 |
| Address | 141 Farmer Ward RoadKenilworth Warwickshire, CV82SU UNITED KINGDOM |
| Attorney information | Jordan A. LaVine Flaster/Greenberg P.C. 1600 JFK Boulevard, 2nd Floor Philadelphia, PA 19103 UNITED STATES jordan.lavine@flastergreenberg.com, linda.ladzenski@flastergreenberg.com Phone:215.279.9389 |

Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 86822695 | Publication date | 05/24/2016 |
| Opposition Filing Date | 09/21/2016 | Opposition Period Ends | 09/21/2016 |
| Applicant | Samlite Inc 908 DRIGGS AVE # 6A Brooklyn, NY 11211 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 011. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Flashlights; handheld flashlights; lantern flashlights; indoor and outdoor LED candles

Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act Section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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|-----------------------|------------------------------|-----------------------|------------|
| U.S. Registration No. | 3290213 | Application Date | 02/05/2007 |
| Registration Date | 09/11/2007 | Foreign Priority Date | NONE |
| Word Mark | FLUORESCENT TAMLITE LIGHTING | | |

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|---------------------|---|
| Design Mark | FLUORESCENT TAMLITE LIGHTING |
| Description of Mark | The mark consists of the term FLUORESCENT with a design in the O consisting of three parallel arcs that come to three points and below that is a solid line in which appears the wording TAMLITE and LIGHTING separated by a vertical line. |
| Goods/Services | Class 011. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 Fluorescent lighting tubes and electric lighting fixtures |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3279645 | Application Date | 03/14/2006 |
| Registration Date | 08/14/2007 | Foreign Priority Date | NONE |
| Word Mark | TAMLITE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1996/06/01 First Use In Commerce: 1996/06/01 Replacement parts for electric lights namely, ballasts, both wirewound and electronic, transformers, capacitors, terminal blocks, starter switches, and dimmers Class 011. First use: First Use: 1996/06/01 First Use In Commerce: 1996/06/01 Electric light fittings sold as a unit and replacement parts therefore, namely, lampholders, light bulbs and fluorescent tubes; Replacement parts for electric light fittings sold as a unit | | |

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4795743 | Application Date | 07/29/2010 |
| Registration Date | 08/18/2015 | Foreign Priority Date | NONE |
| Word Mark | TAMLITE | | |

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|---------------------|--|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 011. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 lighting apparatus and installations, namely, lighting installations; emergency-lighting, namely, electric lighting fixtures, and power failure backup safety lighting; bulbs for lighting, namely, electric bulbs, fluorescent electric light bulbs, halogen light bulbs, incandescent light bulbs, LED light bulbs; tubes for lighting, namely, electric discharge tubes for lighting, fluorescent lamp tubes, fluorescent lighting tubes and lighting tubes; bollard lights in the nature of outdoor lighting, namely, paver lights used to light walkways, steps, and other pathways |

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|-------------|--|
| Attachments | 77099565#TMSN.png(bytes) 78836319#TMSN.png(bytes) 85982881#TMSN.png(bytes) Notice of Opposition Samlite.pdf(22473 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|------------------|
| Signature | /jordan lavine/ |
| Name | Jordan A. LaVine |
| Date | 09/21/2016 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|----------------------------------|---|-------------------------------------|
| City Electrical Factors Limited, | : | |
| | : | |
| | : | Re: Application Serial No. 86822695 |
| v. | : | |
| | : | |
| Samlite, Inc. | : | |
| | : | |

NOTICE OF OPPOSITION

In the matter of trademark Application Serial No. 86822695 filed November 17, 2015, and published for opposition in the *Official Gazette* of May 24, 2016, City Electrical Factors Limited ("Opposer"), a United Kingdom limited company having an address of 141 Farmer Ward Road, Kenilworth, Warwickshire, United Kingdom, CV82SU, believes that it will be damaged if a registration issues for the goods therein identified and hereby opposes the registration of said trademark. The grounds for opposition are as follows:

1. Applicant seeks to register **SAMLITE** as a trademark for the following goods in International Class 11: *Flashlights; handheld flashlights; lantern flashlights; indoor and outdoor LED candles*, as evidenced by the publication of said mark in the *Official Gazette* of May 24, 2016.

2. Opposer constitutes United Kingdom's leading electrical wholesale network with almost twice as many distribution outlets as its nearest competitor. Opposer's group of electrical companies not only extends throughout the United Kingdom, but also North America, the Middle East, and Australia.

3. Since at least as early as June, 1996, Opposer has used the mark **TAMLITE** in commerce in connection with a wide range of electric lights, lighting replacement parts, electrical fittings for lighting products, and light bulbs.

4. Opposer owns Registration Nos. 3290213, 3279645, and 4795743 for the **TAMLITE** mark and design/logo variations on the **TAMLITE** mark in the U.S. Patent and Trademark Office.

5. Opposer's **TAMLITE** trademark is well-known and is an extremely valuable asset of Opposer.

6. Opposer's **TAMLITE** mark is inherently distinctive as used in connection with Opposer's goods.

7. Applicant seeks to register the mark **SAMLITE** on the basis of its intent to use use of the mark in commerce.

8. On information and belief, Applicant did not use **SAMLITE** mark in the United States prior to the November 17, 2015 filing date of its intent to use trademark application.

9. Opposer is the prior user of its **TAMLITE** mark by virtue of its use of the mark in commerce since at least as early as June, 1996 and by virtue of its prior registration of the **TAMLITE** trademark.

10. The respective **TAMLITE** and **SAMLITE** marks are highly similar in sight, sound and meaning. Applicant has merely substituted the letter "S" for the letter "T" in its mark; the marks otherwise comprise a three letter prefix ending with sound "AM" followed by the alternate spelling of the word "Light."

11. Opposer's products and Applicant's products are highly similar or identical. The respective products each comprise electrical lighting products.

12. Neither Opposer's registrations nor Applicant's application are limited by trade channel. Accordingly, Applicant's products and Opposer's products are likely to be offered to an overlapping class of purchasers through the same and similar channels of trade.

13. Applicant's **SAMLITE** mark as used in connection with the products identified in its application so resembles Opposer's **TAMLITE** mark that it is likely to cause confusion, mistake or deception.

14. If Applicant is permitted to register the mark **SAMLITE** for the goods identified in the application herein opposed, confusion of the trade and public is likely to result, such confusion resulting in damage and injury to Opposer.

15. Purchasers, potential purchasers and the relevant public, upon seeing Applicant's **SAMLITE** mark used in connection with the goods identified in its application would be likely to believe in error that such goods are provided in association or affiliation with or under the sponsorship of or license from Opposer.

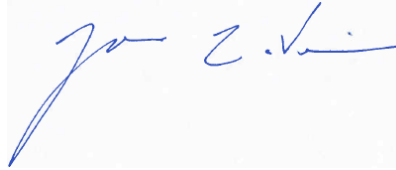
16. If Applicant is permitted to register its **SAMLITE** mark for the goods set forth in the application herein opposed, persons familiar with the goods of Opposer would be likely to purchase Applicant's goods as goods sponsored by or produced in affiliation with or under the sponsorship of Opposer. Furthermore, any defect, objection to or fault found with Applicant's goods sold under its mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its goods under the **TAMLITE** mark.

17. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Opposer prays that registration of the mark of Application Serial No. 86822695 be refused and that this opposition be sustained.

Respectfully submitted,

FLASTER/GREENBERG P.C.



September 21, 2016

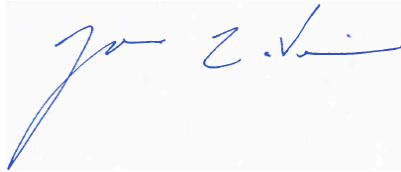
Jordan A. LaVine
1600 JFK Blvd, 2nd Floor
Philadelphia, PA 19103
215.279-9389

ATTORNEYS FOR OPPOSER

Certificate of Service

I certify that a true and correct copy of Opposer's Notice of Opposition against Application Serial No. 86822695 was served by First Class Mail on Applicant at the following address that is of record with the U.S. Patent and Trademark Office on September 21, 2016:

Samlite Inc
908 DRIGGS AVE # 6A
Brooklyn, New York 11211

A handwritten signature in blue ink, appearing to read "Jo E. Lin", is written over a light gray rectangular background.

Flaster/Greenberg P.C.